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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,612	01/24/2002	David W. Pipes	1670-233	6158
6449	7590	02/07/2005	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			CEPERLEY, MARY	
1425 K STREET, N.W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20005			1641	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER
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ART UNIT	PAPER
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02042005

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

See the attached letter.

Mary (Molly) E. Ceperley  
Primary Examiner  
Art Unit: 1641

Art Unit: 1641

**1)** The reply filed on November 17, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The reply does not overcome the problem set forth in paragraph **1)** of the November 02, 2004 Office action for the reasons set forth below.

In reply to the restriction requirement of January 07, 2004, applicants elected Group II, claims 27-32, drawn to a kit comprised of a stannous ion and a metal, ***without traverse*** and further ***canceled the claims to the non-elected invention***. The examiner included claim 26 with claim 1 in Group I of the restriction requirement. Applicant did not previously argue that claim 26 belonged with Group II (Remarks of November 17, 2004, page 2).

Applicant's statement that "unamended claim 27" contains the recitation of "carbon monoxide" has no bearing on the combination of components of the claimed kit (Remarks of November 17, 2004, page 3, first paragraph). What is claimed in claim 27 is a combination of components defining a kit. A potential method of use of the kit (e.g. in a method for preparing a compound of the formula (II) using carbon monoxide) has no bearing on the patentability of the kit per se which is composed of specific components.

The Office does not intend to require further restriction of the claims of this application or to redefine Groups I and II as set forth in the restriction requirement (Remarks of November 17, 2004, pages 3 and 4).

**2)** Claims directed to the elected invention must be reinstated.

**3)** See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Art Unit: 1641

4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary (Molly) E. Ceperley whose telephone number is (571) 272-0813. The examiner can normally be reached from 8 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le, can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 04, 2005

  
Mary (Molly) E. Ceperley  
Primary Examiner  
Art Unit 1641